

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-14 are presently pending in the present application.

The Applicants interpret the lack of any prior art rejection of claims 1-14 as an indication that, upon clarification of the priority information, they would be allowed.

The Office Action acknowledges the Applicants' claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c). However, the Office Action indicates that the Applicants have not complied with a condition for receiving the benefit of earlier filing date, namely, that the copendency requirement was not met with respect to U.S. App. Ser. No. 10/023,332. The Applicants respectfully submit that steps have been taken to revive U.S. App. Ser. No. 10/023,332 for continuity purposes in order to correct the copendency requirement.

A Petition to Revive U.S. Ser. No. 10/023,332 was filed in order to revive the application for continuity purposes. Applicants' representative, Christopher Ward, discussed on November 5, 2009, the status of the Petition with Sherry D. Brinkley, who has been assigned in the Office of Petitions to handle this Petition. Ms. Brinkley indicated that she had approved granting of the Petition; however, Ms. Brinkley noted that the grant is currently under review by her supervisor before being officially entered on the record. Accordingly, the Applicants submit that, upon granting of the Petition and revival of U.S. Ser. No. 10/023,332, the present application can claim priority to U.S. Ser. No. 10/023,332, as a continuation thereof and the conditions for receiving such benefit will be met.

Therefore, the Applicants submit that, upon granting of the Petition, the present application will be in condition for allowance. Thus, favorable consideration of the present application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

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Date

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